

IC 20-5-2

Chapter 2. General Powers and Duties of School Corporations

IC 20-5-2-1 Repealed

(Repealed by P.L.111-1984, SEC.8.)

IC 20-5-2-1.1

Repealed

(Repealed by P.L.1-1991, SEC.130.)

IC 20-5-2-1.2

Purpose and power to conduct various educational programs

Sec. 1.2. (a) Each school corporation shall conduct an educational program for all children who reside within the school corporation in kindergarten and in grades 1 through 12. During the 1990-91 school year, each school corporation may provide each preschool child with a disability with an appropriate special education as required under IC 20-1-6-14.1 using local or available federal funds. Beginning with the 1991-92 school year, each school corporation shall provide each preschool child with a disability with an appropriate special education as required under IC 20-1-6-14.1 only if the general assembly appropriates state funds for preschool special education.

(b) Each school corporation may:

- (1) conduct an educational program for adults and children over fourteen (14) years of age not attending a program under subsection (a);
- (2) provide instruction in vocational, industrial, or manual training;
- (3) provide libraries for the schools of the school corporation;
- (4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
- (5) provide vacation school and recreational programs;
- (6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and
- (7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) Each school corporation shall develop a written policy that provides for:

- (1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods of time before school is in session or periods when school is not otherwise in session (commonly referred to as latch key programs) and is offered by the school corporation; or
- (2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the types of programs described in subdivision (1) by nonprofit

organizations or for-profit organizations.

(d) The written policy required under subsection (c) must address compliance with certain standards for reasonable care for children served under a child care program offered under this subsection, including:

- (1) requiring the offering entity to acquire a particular amount of liability insurance; and
- (2) establishing maximum adult to child ratios governing the overall supervision of the children being served.

If a school corporation implements the school corporation's own child care program or enters into a contract to provide these programs, the school corporation may not assess a fee for the use of the building, and the contract between the school corporation and the entity providing the program must be in writing. However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other added costs directly attributable to the use of the buildings for the programs. In addition, if a school corporation offers the school corporation's own child care program, the school corporation may assess a fee to cover the costs attributable to implementing the program.

(e) The powers under this section shall be construed as purposes as well as powers.

As added by P.L.1-1991, SEC.131. Amended by P.L.23-1993, SEC.103; P.L.50-2001, SEC.2.

IC 20-5-2-1.5

Latch key programs; waiver from state board

Sec. 1.5. (a) Notwithstanding section 1.2 of this chapter, except as provided in subsection (c), and beginning with the 1992-93 school year, each school corporation shall do one (1) of the following:

- (1) Conduct a school age child care program (commonly referred to as a latch key program) for children who attend kindergarten through grade 6 that, at a minimum:

(A) operates after the school day and may include periods before school is in session or periods when school is not otherwise in session and is offered by the school corporation; and

(B) is available to all children in the applicable grade levels within the school corporation.

- (2) Contract with a not-for-profit or for-profit organization to conduct the types of programs described in subdivision (1) and that utilize school buildings or parts of school buildings. A contract entered into under this subdivision must be in writing.

However, a school corporation is not required to conduct its latch key program or contract for a latch key program for kindergarten students during times in which grades 1 through 6 are in session.

(b) Each school corporation shall develop a written policy that addresses compliance with certain standards for reasonable care for children served under a child care program required under subsection

(a), including the following:

- (1) Requiring the offering entity to acquire a particular amount of liability insurance.
- (2) Establishing maximum adult to child ratios governing the overall supervision of the children being served.

A school corporation may not assess a fee for the use of a building in a child care program required under subsection (a). However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other added costs directly attributable to the use of the buildings for the programs. If a school corporation offers the school corporation's own child care program, the school corporation may assess a fee to cover the costs attributable to implementing the program.

(c) A school corporation shall receive a waiver from the state board of the requirement under subsection (a) if the school corporation believes that it would experience an undue hardship due to a low number of eligible children intending to utilize the services of the latch key program, regardless of whether the latch key program is conducted by the school or under a contractual agreement. To receive a waiver, the school corporation must include a detailed description of its attempt to implement a latch key program, including the following:

- (1) A description of the steps taken to conduct its own latch key program or to actively solicit other not-for-profit organizations or for-profit organizations to implement the latch key program.
- (2) Evidence that a request in writing was made to all parents to contact the school corporation to indicate their willingness to utilize the latch key program and documentation of the results received from parents in this regard.

As added by P.L. 34-1991, SEC.22. Amended by P.L.2-1997, SEC.59; P.L.50-2001, SEC.3.

IC 20-5-2-1.7

Latch key programs; required compliance

Sec. 1.7. (a) This section applies to a school age child care program (commonly referred to as a latch key program) operated by a not-for-profit or for-profit organization under section 1.2 or 1.5 of this chapter.

(b) Before awarding a contract to operate a child care program described in subsection (a), a school corporation must comply with the provisions of IC 5-22-9.

(c) In a request for proposals prepared under subsection (b), a school corporation must require each responding organization to specify the fee schedule the organization proposes to charge parents for the use of the child care program.

(d) An organization that operates a child care program described in subsection (a) must comply with the guidelines developed by the department of education and the school corporation for child care programs described in subsection (a).

As added by P.L.50-2001, SEC.4.

IC 20-5-2-2

Specific powers enumerated

Sec. 2. In carrying out the school purposes of each school corporation, its governing body acting on its behalf shall have the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment therefor.

(2.5) To appropriate from the general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based upon the school corporation's previous year's average daily membership (as defined in IC 21-3-1.6-1.1) for the purpose of promoting the best interests of the school corporation by:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(3) To acquire, construct, erect, maintain, hold, and to contract for such construction, erection, or maintenance of such real estate, real estate improvements, or any interest in either, as the governing body deems necessary for school purposes, including but not limited to buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing of school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchases money contracts providing for a retention of a security interest by seller until payment is made or by notes where such contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 21-5-10, IC 21-5-11, or IC 21-5-12. To repair, remodel, remove, or demolish any such real estate, real estate improvements, or interest in either, as the governing body deems necessary for school purposes, and to contract therefor. To provide for energy conservation measures through utility

energy efficiency programs or under a guaranteed energy savings contract as described in IC 36-1-12.5.

(4) To acquire such personal property or any interest therein as the governing body deems necessary for school purposes, including but not limited to buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by outright purchase for cash, or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where such contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish such personal property. All purchases and contracts delineated under the powers given under subdivision (3) and this subdivision shall be subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of agencies of the state as provided in section 3 of this chapter.

(5) To sell or exchange any of such real or personal property or interest therein, which in the opinion of the governing body is not necessary for school purposes, in accordance with IC 20-5-5, to demolish or otherwise dispose of such property if, in the opinion of the governing body, it is not necessary for school purposes and is worthless, and to pay the expenses for such demolition or disposition.

(6) To lease any school property for a rental which the governing body deems reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children aged five (5) through fourteen (14) years that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if the property subject to a long term lease is being paid for from money in the school corporation's debt service fund, then all proceeds from the long term lease shall be deposited in that school corporation's debt service fund so long as the property has not been paid for. The governing body may, at its option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(7) To employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under

IC 20-6.1-3), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including but not limited to the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and such other personnel or services, all as the governing body considers necessary for school purposes. To fix and pay the salaries and compensation of such persons and such services. To classify such persons or services and to adopt schedules of salaries or compensation. To determine the number of such persons or the amount of services thus employed or contracted for. To determine the nature and extent of their duties. The compensation, terms of employment, and discharge of teachers shall, however, be subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers shall be subject to and shall be governed by any laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of such school corporation shall be submitted to the state board of accounts for approval to the end that such services shall be used by the school corporation when the governing body determines that it is in the best interests of the school corporation while at the same time providing reasonable accountability for the funds expended.

(8) Notwithstanding the appropriation limitation in subdivision (2.5), when the governing body by resolution deems a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including but not limited to attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit such employee to be absent in connection with such trip without any loss in pay and to refund to such employee or to such member his reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(9) To transport children to and from school, when in the opinion of the governing body such transportation is necessary, including but not limited to considerations for the safety of such children and without regard to the distance they live from the school, such transportation to be otherwise in accordance with the laws applicable thereto.

(10) To provide a lunch program for a part or all of the students

attending the schools of the school corporation, including but not limited to the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate such program, and the purchase of any material and supplies therefor, charging students for the operational costs of such lunch program, fixing the price per meal or per food item. To operate such lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in any surplus commodity or lunch aid program.

(11) To purchase textbooks, to furnish them without cost or to rent them to students, to participate in any textbook aid program, all in accordance with applicable law.

(12) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(13) To levy taxes, to make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with the laws applicable thereto. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-5-4.

(14) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or its employees in connection with motor vehicles or property and for any additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from any liability, risk, accident, or loss related to any school property, school contract, school or school related activity, including but not limited to the purchase of insurance or the establishment and maintenance of a self-insurance program protecting such persons against false imprisonment, false arrest, libel, or slander for acts committed in the course of their employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to any property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, which may include accident, sickness, health, or dental coverage, provided that any plan of self-insurance shall include an aggregate stop-loss provision.

(15) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or

property from the state government, the federal government, or from any other source.

(16) To defend any member of the governing body or any employee of the school corporation in any suit arising out of the performance of his duties for or employment with, the school corporation, provided the governing body by resolution determined that such action was taken in good faith. To save any such member or employee harmless from any liability, cost, or damage in connection therewith, including but not limited to the payment of any legal fees, except where such liability, cost, or damage is predicated on or arises out of the bad faith of such member or employee, or is a claim or judgment based on his malfeasance in office or employment.

(17) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures for the government and management of the schools, property, facilities, and activities of the school corporation, its agents, employees, and pupils and for the operation of its governing body, which rules, regulations, and procedures may be designated by any appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(18) To ratify and approve any action taken by any member of the governing body, any officer of the governing body, or by any employee of the school corporation after such action is taken, if such action could have been approved in advance, and in connection therewith to pay any expense or compensation permitted under IC 20-5-1 through IC 20-5-6 or any other law.

(19) To exercise any other power and make any expenditure in carrying out its general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including but not limited to the acquisition of property or the employment or contracting for services, even though such power or expenditure shall not be specifically set out herein.

The specific powers set out in this section shall not be construed to limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-5-1 through IC 20-5-6 by specific language or by reference to other law.

(Formerly: Acts 1965, c.307, s.202.) As amended by Acts 1979, P.L.204, SEC.1; Acts 1980, P.L.144, SEC.1; Acts 1982, P.L.128, SEC.1; P.L.205-1983, SEC.1; P.L.206-1983, SEC.1; P.L.197-1985, SEC.2; P.L.136-1988, SEC.1; P.L.51-1990, SEC.13; P.L.1-1991, SEC.132; P.L.24-1993, SEC.4; P.L.1-1998, SEC.124; P.L.286-2001, SEC.5.

IC 20-5-2-2.1

Allocation of no charge or reduced rate tickets

Sec. 2.1. The governing body of a school corporation may establish a policy regarding the allocation of tickets to its interscholastic athletic events or other school related programs and

activities at no charge or at a reduced rate to groups or individuals designated by the governing body.

As added by P.L.199-1989, SEC.1.

IC 20-5-2-3

Applicability of laws governing state agencies

Sec. 3. All powers delegated to the governing body of each school corporation under section 1.2 or 2 of this chapter shall be subject to all the laws subjecting the school corporation to regulation by state agencies, including but not limited to the state superintendent of public instruction, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, water pollution control board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including but not limited to plan commissions, zoning boards, and boards dealing with health and safety.

(Formerly: Acts 1965, c.307, s.203.) As amended by P.L.8-1984, SEC.30; P.L.143-1985, SEC.194; P.L.5-1988, SEC.102; P.L.1-1991, SEC.133; P.L.2-1992, SEC.701; P.L.90-2002, SEC.404.

IC 20-5-2-4

Representation of governing body on public boards or commissions

Sec. 4. Notwithstanding any other statute to the contrary, the governing body of each school corporation may, by resolution, appoint its superintendent of schools or any person residing inside its boundaries to serve on any other public board, commission, or public body including park boards, library boards, tax adjustment boards, or city or county plan commissions, where legislation requires or permits representation by a member of the governing body, its superintendent or other designated educator as a member of the public board, commission, or body.

As added by Acts 1976, P.L.98, SEC.1. Amended by P.L.3-1989, SEC.114.

IC 20-5-2-5

Membership in state and national associations of educational nature; participation through representatives

Sec. 5. The governing body of a school corporation may appropriate necessary funds to provide membership of the school corporation in state and national associations of an educational nature that have as their purpose the improvement of school governmental operations. A school corporation may also participate through duly designated representatives in the meetings and activities of the associations, and the governing body of the school corporation may appropriate the necessary funds to defray the expenses of the representatives in connection with the meetings and activities.

As added by Acts 1980, P.L.8, SEC.114.

IC 20-5-2-6

Classes or services between state educational institutions and school corporations

Sec. 6. (a) A school corporation may provide programs, classes, or services to a state educational institution (as defined in IC 20-12-0.5-1).

(b) A state educational institution may provide programs, classes, or services to a school corporation.

(c) The terms and conditions under which programs, classes, or services are to be provided must be specified in a contract between the state educational institution and the governing body of the school corporation.

As added by P.L.217-1987, SEC.10.

IC 20-5-2-7

Adoption of criminal history information policy; administration of policy; requirements; costs

Sec. 7. (a) A school corporation, including a school township, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) employment with the school corporation; or

(B) employment with an entity with which the school corporation contracts for services;

(2) seek to enter into a contract to provide services to the school corporation; or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation, including a school township, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section may require any of the following:

(1) The school corporation, including a school township, may request limited criminal history information concerning each applicant for noncertificated employment or certificated employment from a local or state law enforcement agency before or not later than three (3) months after the applicant's employment by the school corporation.

(2) Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation to request under IC 10-13-3 limited criminal history information or a national criminal history background check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation may require the individual to provide a set of fingerprints and pay any fees required for a national criminal history background check.

(3) Each individual hired for noncertificated employment may be required at the time the individual is hired to submit a certified copy of the individual's limited criminal history (as defined in IC 10-13-3-11) to the school corporation.

(4) Each individual hired for noncertificated employment may be required at the time the individual is hired to:

(A) submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3;

(B) obtain a copy of the individual's limited criminal history; and

(C) submit to the school corporation the individual's limited criminal history and a document verifying a disposition (as defined in IC 10-13-3-7) that does not appear on the limited criminal history.

(5) Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's limited criminal history. The failure to answer honestly questions asked under this subdivision is grounds for termination of the employee's employment.

(6) Each individual that:

(A) seeks to enter into a contract to provide services to a school corporation; or

(B) is employed by an entity that seeks to enter into a contract with a school corporation;

may be required at the time the contract is formed to comply with the procedures described in subdivisions (2), (4), and (5).

An individual who is employed by an entity that seeks to enter into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program may be required to provide the consent described in subdivision (2) or the information described in subdivisions (4) and (5) to either the individual's employer or the school corporation. Failure to comply with subdivisions (2), (4), and (5), as required by the school corporation, is grounds for termination of the contract. An entity that enters into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program is allowed to obtain limited criminal history information or a national criminal history background check regarding the entity's applicants or employees in the same manner that a school corporation may obtain the information.

(c) If an individual is required to obtain a limited criminal history under this section, the individual is responsible for all costs associated with obtaining the limited criminal history.

(d) Information obtained under this section must be used in accordance with IC 10-13-3-29.

As added by P.L.155-1997, SEC.1. Amended by P.L.54-1998, SEC.2; P.L.272-2001, SEC.5; P.L.2-2003, SEC.56; P.L.161-2003, SEC.1;

IC 20-5-2-8

Use of information; notice of conviction of certain offenses

Sec. 8. (a) This section applies to:

- (1) a school corporation; and
- (2) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation or entity may use information obtained under section 7 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (IC 35-46-1-4(b)(2)) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5 unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (18) An offense relating to controlled substances under IC 35-48-4 unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3 unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5 unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation or an entity described in subsection (a) shall notify the governing body of the school corporation if during the course of the individual's employment the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

As added by P.L.155-1997, SEC.2. Amended by P.L.197-1999, SEC.1; P.L.1-2002, SEC.77; P.L.123-2002, SEC.24.